



# UNITED STATES PATENT AND TRADEMARK OFFICE

ADM

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.								
10/590,657	08/25/2006	Jan Mollenhauer	4266-0132PUS1	1500								
<div>2292 7590 11/21/2008 BIRCH STEWART KOLASCH &amp; BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747</div> <div>DOCKETED Seq. Listing &amp; Stmt 12 21 2009</div> <div>EXAMINER SWARTZ, RODNEY P</div> <table border="1"><thead><tr><th>ART UNIT</th><th>PAPER NUMBER</th></tr></thead><tbody><tr><td>1645</td><td></td></tr></tbody></table> <div><table border="1"><thead><tr><th>NOTIFICATION DATE</th><th>DELIVERY MODE</th></tr></thead><tbody><tr><td>11/21/2008</td><td>ELECTRONIC</td></tr></tbody></table></div>					ART UNIT	PAPER NUMBER	1645		NOTIFICATION DATE	DELIVERY MODE	11/21/2008	ELECTRONIC
ART UNIT	PAPER NUMBER											
1645												
NOTIFICATION DATE	DELIVERY MODE											
11/21/2008	ELECTRONIC											

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskh.com



# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

APPLICATION NO. / CONTROL NO. 10590657	FILING DATE 8/25/2006	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION MOLLENHAUER ET AL.	ATTORNEY DOCKET NO. 4266-0132PUS1
---	--------------------------	--	--------------------------------------

<b>EXAMINER</b> Rodney P. Swartz, Ph.D.
--

<b>ART UNIT</b> 1645	<b>PAPER</b> 081118
-------------------------	------------------------

## DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

The addresses below are effective 5 June 2004. Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Web (<<http://www.uspto.gov/efc/efs/downloads/documents.htm>>, EFS Submission User Manual - ePAVE)
2. Mailed to:  
Mail Stop Sequence  
Commissioner for Patents  
P.O. Box 22313 1450  
Alexandria, VA 22313 1450
3. Hand Carry, Federal Express, United Parcel Service or other delivery service to:  
U.S. Patent and Trademark Office  
Mail Stop Sequence  
Customer Window  
Randolph Building  
401 Dulancy Street  
Alexandria, VA 22314

Any inquiry concerning this communication should be directed to Rodney P. Swartz, Ph.D. at telephone number 571-272-0865. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Mondesi, can be reached on (571)272-0956

/Rodney P. Swartz, Ph.D./  
Primary Examiner, Art Unit 1645

Application No. 10/590,657

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE  
AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CAR §1.821 - §1.825 for the following reason(s):

☐ 1. This application clearly fails to comply with the requirements of 37 CAR §1.821 - §1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990, and at 55 FR 18230, May 1, 1990.

☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CAR §1.821(c).

☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CAR §1.821(e).

☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CAR §1.822 and/or §1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing".

☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CAR §1.825(d).

☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CAR §1.821(e).

☐ 7. Other: \_\_\_\_\_

**APPLICANT MUST PROVIDE:**

☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".

☒ An initial or substitute paper copy of the "Sequence Listing", as were as an amendment directing its entry into the specification.

☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CAR §1.821(e) or §1.821(f) or §1.821(g) or §1.825(b) or §1.825(d).

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE.**